REMARKS

In response to Examiner's rejection of pending claims 1-31, Applicant

respectfully asks Examiner for reconsideration of the application and pending claims 1-

31 based on the following remarks.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 1, 14, and 29 under 35 U.S.C §102(e), as being

anticipated by Wong-Insley ("Wong-Insley"), U.S. Patent No. 6,131,166. For the reasons

set forth below, Applicant asserts that the cited reference fails to anticipate Applicant's

invention as claimed in claims 1, 14, and 29.

Wong-Insley discloses a "framework for the development of Java™

applications… to manage the power resources and power states of power-manageable

computer systems and attached devices." (Wong-Insley, column 3, lines 1-4) Wong-

Insley further describes "[t]he Java™ Virtual Machine [as] a specification of a 'soft'

computer which can be implemented in software or hardware." (Wong-Insley, column 3,

lines 9-11)

With respect to independent claim 1 in the presently claimed invention, Applicant

teaches and claims:

> "A method of providing power management, the method
>
> comprising a virtual machine monitoring utilization of a platform
>
> device by one or more other virtual machines, and managing

power consumption of the platform device based on the

monitoring." (Claim 1) (Emphasis Added)

In the Office Action mailed on August 10, 2005, the Examiner states that Wong-
Insley teaches monitoring utilization of a device by referring to a number of locations in
the detailed description and figures. In particular, the Examiner refers to Figure 4 as
teaching monitoring utilization of a device. In contrast to Examiner's statement, Figure 4
is not related to Applicant's limitation as claimed in claim 1 regarding "a virtual machine
monitoring utilization of a platform device by one or more other virtual machines."
Figure 4 in Wong-Insley only shows the relative power consumption of a device across a
spectrum of operational states, from full power to off being highest to lowest power
consumption respectively. It does not describe how a virtual machine is utilizing a
platform device. The power state of a device has no bearing on how a virtual machine
monitors another virtual machine's utilization (i.e., usage) of a platform device.

Similarly, the Examiner states that column 9, lines 20-23 in Wong-Insley teach
monitoring utilization of a device. The sentence referred to in this reference is only a
generalized statement about the purpose of implementing power management features in
computer systems. There is no teaching of "a virtual machine monitoring utilization of a
platform device by one or more other virtual machines."

Next, the Examiner states that column 10, lines 30-40 in Wong-Insley teach
monitoring utilization of a device. This reference relates to the relationship between the
performance of a system and the power state the system is in. This reference also refers
to Figure 4, which Applicant has already discussed above. Again, there is no teaching of

Applicant's claim 1 limitation teaching "a virtual machine monitoring utilization of a platform device by one or more other vitual machines."

Furthermore, <u>Wong-Insley</u> does not teach Applicant's above referenced limitation in claim 1 of the presently claimed invention in the other references the Examiner has used in his argument on page 8 of the Office Action. Namely, <u>Wong-Insley</u> column 10, lines 63-65 refer to the Active Power Management state and it's ability to be regulated by software. <u>Wong-Insley</u> column 3, lines 1-14 refer in general to the power management framework as part of Java™. <u>Wong-Insley</u> column 3, lines 35-45 refer once again to a plurality of standardized system power states. <u>Wong-Insley</u> column 3, lines 60-63 refers to a Java™ device-level programming interface that permits Java™ applications to obtain and influence a device's power state. Finally, <u>Wong-Insley</u> column 4, lines 5-9 refer specifically to Java™ system level applications utilizing system-level exception, interface, and notification objects, which is a standard way in which any Java™ program will interface with a computer system.

None of these references the Examiner has referred to teach a method involving the limitation of "a virtual machine monitoring utilization of a platform device by one or more other virtual machines" as Applicant claims in pending claim 1. Not only is it not mentioned specifically, but <u>Wong-Insley</u> does not teach any method relating to monitoring a virtual machine's utilization (i.e., usage). The method in <u>Wong-Insley</u> is limited to exactly what the Examiner refers to in the above multiple references, namely the ability of Java™ applications to observe and potentially change the power state of a device. The method does not relate to "a virtual machine monitoring utilization of a platform device by one or more other virtual machines." The concept of monitoring the

utilization of a device by a virtual machine is a completely independent and separate

concept from actually managing the power states of a device. Thus, Applicant's method

is at least distinct from Wong-Insley in regard to "a virtual machine monitoring

utilization of a platform device by one or more other virtual machines." Thus, because

Wong-Insley does not teach the presently claimed invention, Applicant respectfully

submits that Wong-Insley does not anticipate claim 1.

In regard to independent claims 14, and 29, Wong-Insley does not anticipate

Applicant's invention for the same reason as independent claim 1. Again, the system and

method in Wong-Insley teaches Java™ applications managing the power states of a

device, it does not teach "a virtual machine monitoring utilization of a platform device by

one or more other virtual machines." Thus, because Wong-Insley does not teach the

presently claimed invention, Applicant respectfully submits that Wong-Insley does not

anticipate claims 7 and 14.

As such, Wong-Insley does not teach or anticipate Applicant's invention as

claimed in pending claims 1, 14, and 29. Applicant respectfully requests withdrawal of

the 35 U.S.C. 102(e) rejection of claims 1, 14, and 29.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 2-13, 15-28, and 30-31 under 35 U.S.C §103(a)

as being unpatentable over Wong-Insley ("Wong-Insley"), U.S. Patent No. 5,829,053, in

view of Oprescu et al. ("Oprescu"). For the same reasons set forth above in regard to

Wong-Insley in view of the response to the 35 U.S.C §102(e) rejection, Applicant asserts

that the cited reference fails to teach, suggest, or render obvious Applicant's invention as claimed in claims 2-13, 15-28, and 30-31.

Oprescu discloses a power management system for a computer device interconnection bus. According to Oprescu, the power management system tracks the total amount of power drawn from a bus by devices connected to the bus itself, based on the individual operational status of each device. (see e.g. Oprescu abstract)

Oprescu does not teach or suggest "a virtual machine monitoring utilization of a platform device by one or more other virtual machines." Therefore a combination of Oprescu with Wong-Insley also would fail to teach or suggest at least the claimed features of Applicants' invention.

Claims 2-13 are dependent upon independent claim 1. Thus, for at least the same reasons advanced above with respect to independent claim 1, Applicant respectfully submits that Wong-Insley and Oprescu, each taken alone or in combination, do not render these dependent claims obvious.

Claims 15-16 are dependent upon independent claim 14. Thus, for at least the same reasons advanced above with respect to independent claim 14, Applicant respectfully submits that Wong-Insley and Oprescu, each taken alone or in combination, do not render these dependent claims obvious.

In regard to independent claim 17, Wong-Insley and Oprescu, each taken alone or in combination, do not anticipate Applicant's invention for the same reason as independent claim 1. Again, the system and methods in Wong-Insley and Oprescu do not teach "a virtual machine monitoring utilization of a platform device by one or more other virtual machines." Thus, because Wong-Insley and Oprescu do not teach the presently

claimed invention, Applicant respectfully submits that Wong-Insley and Oprescu, each taken alone or in combination, do not anticipate claim 17.

Claims 18-28 are dependent upon independent claim 17. Thus, for at least the same reasons advanced above with respect to independent claim 17, Applicant respectfully submits that Wong-Insley and Oprescu, each taken alone or in combination, do not render these dependent claims obvious.

Claims 30-31 are dependent upon independent claim 29. Thus, for at least the same reasons advanced above with respect to independent claim 29, Applicant respectfully submits that Wong-Insley and Oprescu, each taken alone or in combination, do not render these dependent claims obvious.

Thus, Wong-Insley and Oprescu, each taken alone or in combination, do not teach, suggest, or render obvious Applicant's invention as claimed in pending claims 2-13, 15-28, and 30-31. Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of claims 2-13, 15-28, and 30-31.

If there are any additional charges, please charge Deposit Account No 02-2666.

If a telephone conference would facilitate the prosecution of this application, the

Examiner is invited to contact Michael J. Mallie at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 11|8|05

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